

Increasingly, people choose to represent themselves in court cases. However, most people are not familiar with the laws and procedures that impact their situations and may want to hire an attorney.

In Michigan, the law requires friend of the court offices to distribute “do-it-yourself” forms (known as “pro se” or “in pro per” packets) to people interested in representing themselves in a child support, parenting-time, or custody matter. In addition, the circuit court clerk has a forms packet available for persons seeking to obtain a personal protection order.

While forms packets create a way for people to represent themselves in court, most people are still confused about what happens once an action is filed with the court.

The purpose of this brochure is to answer some common questions and to help you understand your responsibilities if you decide to represent yourself in a legal action.

Where do I get “do-it-yourself” forms?

The friend of the court will provide you with forms and instructions for modifying a child support, parenting time, or custody order. The circuit court clerk has forms available to obtain a personal protection order.

Once I have the “do-it-yourself” forms packet, may I ask the friend of the court or clerk for help or advice?

Court staff cannot give legal advice. They are not required to help you fill out your forms. The friend of the court should be able to tell you who to contact to get a court hearing. The clerk should be able to give you information about hearing schedules, location of a hearing, and location and charge for copying documents.

Is there a fee for filing a motion with the court?

Yes. For most domestic relations matters, a \$20 motion fee is charged at the time you file your motion. If you are unable to pay this fee, you can ask the clerk for a

form (MC20) that allows you to ask the court to waive (suspend) the fee.

Once I file my motion, who is responsible for serving notice of the legal action on the other party?

If you use the “do-it-yourself” forms, **you must send a copy of the form containing the motion and hearing date (if one has been assigned by the clerk) to the other party.** There are many ways to serve notice on the other party. Regular first class mail is the most frequently used and least expensive way to serve notice.

Who represents me at the hearing? Can the referee or judge help me?

You may hire an attorney or represent yourself. If you decide to represent yourself, you must be prepared to explain your case and the reasons you are asking the court to rule in your favor, including providing proof to the court. Neither the referee nor the judge can assist you in presenting your case.

What if the other party in this case has an attorney? Can I get someone to help me?

You are not required to have an attorney represent you. However, you may want to consult with an attorney if you have specific questions concerning your case.

Once the referee or judge has ruled on the case, who prepares the order?

If you use the “do-it-yourself” forms, unless the judge orders otherwise, **you** are responsible for preparing the order for the judge to sign. Therefore, it is very important that at the hearing you take notes, and ask questions if you don't understand something. You will also be responsible for sending a copy of the order (once it is signed by the judge) to the other party in the case. If a referee hears the case, the referee may prepare the order.

What if I do not agree with what the referee or judge orders?

A referee makes a recommendation. Only a judge can order something. If you disagree with the referee, you have 21 days from the date of the referee's decision to

request a hearing before the judge. The friend of the court should be able to provide you with information on how to object to a referee recommendation. If you disagree with a judge's decision, your option is to appeal that decision to a higher court or file a motion for reconsideration.

Here are some words you should know.

Complaint - a written claim filed with the court to start a case.

Consent - when the other party agrees to sign an order without a hearing.

Custodian - a parent or any other person who has physical custody of a child.

Defendant - the person against whom a case is originally filed.

Enter - how an order becomes effective. It includes getting the signature of a judge on an order and filing the order with the county clerk.

First Class Mail - a way of delivering court papers to the other party by regular mail.

Guardian - a person appointed by the court, other than a parent, who is legally responsible for a child.

Hearing - a court meeting where both parties explain why a proposed order should or should not be signed by the judge.

Motion - a request made to the court for action in a pending case.

Moving Party - a person who asks the court to do something on their behalf.

Objection to a Proposed Order - what a party may do if he or she disagrees with a referee's proposed or recommended order. Objections must be made in writing.

Order - a decision signed by a judge requiring certain action.

Party - person involved in a case. May include someone other than a parent, if the court grants that person's request to be part of a case (**Third Party**).

Pending Case - a court case where no final judgment/order has been entered.

Proof - evidence a party presents to show the court why it should agree with a party's position. Proof may be documents or people who tell the court from first hand knowledge that something is true.

Proposed Order - an order which has not yet been signed by the judge.

Plaintiff - the person who starts a case.

Referee - a court officer with authority to hear cases and recommend orders.

Service - How a party receives legal papers. (See first class mail)

Stipulated Order - an order that is agreed to, prepared, and signed by both parties.

True Copy - a copy of a court paper imprinted with a seal of the court to show that the copy is real.

What It Means To Represent Yourself In A Domestic Relations Matter



Friend of the Court Bureau/SCAO
Michigan Supreme Court
<http://www.courts.michigan.gov/scao>

PSA 26 (10/01)
This publication is produced with IV-D funds
